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Via ECF

Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: No. 13 Civ. 04427-NGG-RML: Delgado et al v. Ocwen Loan Servicing, LLC et al.

Dear Judge Levy:

In connection with tomorrow's 4:30 p.m. telephonic discovery conference, we write to request that Plaintiffs be permitted to appear in person with their ESI consultant rather than on the phone. Defendants have not opposed this request which was made when Plaintiffs initially requested the conference by letter application dated July 7. (ECF No. 73).

To more readily understand the two ESI discovery disputes with the Cross Country Defendants that prompted Plaintiffs' request for the conference, Your Honor will need to review various documents that we intend to bring with us to Court. To do this by phone will be cumbersome and make it difficult for the Court to assess the dispute. Further, Plaintiffs wish to have their ESI consultant present in Court. *See* Transcript of ESI Conference on February 24, 2015 pp. 23-24, 27 (ECF No. 64) (Your Honor recommending involving ESI consultants in the search process and in the resolution of any related disputes).

The ESI Protocol that Your Honor entered at the February 24 conference required that the parties "negotiate keywords with the opposing party" through two rounds of proposing search terms, supplying hit reports, and discussing proposed searches. *See* ESI Protocol ¶ II(C) (ECF No. 65). Through each of the two rounds, Cross Country has deleted several of Plaintiffs' proposed searches and ignored our attempts to discuss the reasons why these terms should be used, and if necessary, narrowed. Further, Cross Country has refused to include certain search terms despite the fact there is virtually no additional cost to Cross Country to run the requested searches. An in-court review of Plaintiffs' proposed searches and the data concerning the number of recalled documents will aid the Court in resolving the parties' dispute.

Thank you for considering this request.

Respectfully submitted,

/s/ J. Burkett McInturff
J. Burkett McInturff

cc: All counsel of record (via ECF)